

State of California

Department of Education

LAST MINUTE MEMORANDUM

DATE: July 6, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum and Instruction Branch

RE: Item No. 16

SUBJECT: *No Child Left Behind (NCLB) Act of 2001: Teacher Requirements: Adopt Title 5 Regulations*

The revised text for the proposed Title 5 Regulations for the NCLB Teacher Requirements was made available to the public during the 45-Day Public Notice Period from May 21, 2004, to July 6, 2004, inclusive. One written comment from a private international teacher placement organization was received.

[Attachment 1](#): Final Statement of Reasons (1 Page)

FINAL STATEMENT OF REASONS
No Child Left Behind Act (NCLB) of 2001:
Title 5 Regulations: No Child Left Behind Teacher Requirements

COMMENTS RECEIVED DURING THE PERIOD THE THIRD 45-DAY NOTICE AND PROPOSED REGULATION TEXT WAS AVAILABLE TO THE PUBLIC.

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The following public comment was received:

6126. International Teachers.

Comment: Alan J. Young, Chief Executive Officer, Visiting International Faculty Program, via faxed letter, provided the following comments: We appreciate that the State is amending *Education Code* Section 6100 Definitions to include International Teachers. We are concerned that the proposed definition for teachers "New to the Profession" will have a significant negative impact on the recruitment of international exchange teachers in the state of California if the designation is based on the date of issuance of a California credential. Most international exchange teachers would receive their California credential after July 1, 2002, resulting in the teacher being designated as "New to the Profession." The international exchange teacher would be unable to use the high objective uniform state standard evaluation (HOUSSE) to be deemed "highly qualified".

Response: The proposed regulations state that an international teacher is one who:

- (1) Holds a degree from a foreign college or university that is equivalent to a bachelor's degree in an American Institution of higher education;
- (2) Has a teaching credential that meets the California Commission on Teacher Credentialing requirements for out-of-country trained teachers; and
- (3) Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent process required of California teachers.

The date of issuance of an out-of-country teaching credential that meets the California Commission on Teacher Credentialing requirements for out-of-country trained teachers designates international teachers as "New" or "Not New" to the Profession. No further elaboration is necessary to address the concern expressed.